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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN W. GORDON, : CIVIL NO. 1: CV 01-0331
Plaintiff : (Judge Rambo)
v. :
N. GONZALEZ, *et al.*, :
Defendants :
:

ORDER

Before the court is Plaintiff's motion for stay or continuance of trial and Defendants' motion for leave to file an answer *nunc pro tunc*. Plaintiff has taken an interlocutory appeal of this court's ruling on a motion *in limine* which precludes Plaintiff from introducing certain evidence. This is not an appealable order and, therefore, the motion to stay will be denied.

It appears that the failure of Defendants to file an answer was inadvertent; this inadvertence was raised by Defendants; no prejudice will be suffered by Plaintiff as all parties are aware of all issues in the case. Thus, this motion will be granted.

IT IS THEREFORE ORDERED THAT:

- 1) Plaintiff's motion for stay or continuance is **DENIED**.
- 2) Defendants' motion for leave to file an answer *nunc pro tunc* is **GRANTED**. Defendants' answer is deemed timely filed and the Clerk of Court shall docket the proposed answer submitted with Defendants' motion.
- 3) Trial remains scheduled for Monday, November 1, 2004, at 9:30 a.m.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: October 26, 2004.